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ABSTRACT

From the concern over the poor educational performance of school children nationwide has evolved the question of setting higher standards via testing. This paper focuses on the state's responsibility to require performance standards for children. Topics discussed include general issues related to the testing controversy, recent state efforts to use testing to reform the educational system, policy issues related to minimal standards, and legal responsibilities of institutions that impose standards on students. The paper concludes that, ultimately, an institution must be able to demonstrate that every effort has been made to provide children with the opportunity to learn. Several tables provide information on the actions of individual states in setting educational standards. (Author/LD)

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Requiring Performance Standards for Children: What is the State's Responsibility

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by

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TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Introduction

Depending on your orientation, education policy in the last decade has been characterized by a growing skepticism, realism or conservatism. Money is tight and attention is focused on the results of education programs: What are the dollars producing? The question of competency in basic skills has become central due to such factors as widespread media coverage of grade inflation and the decline in SAT scores; the dissatisfaction of the business community with the unemployability of a large portion of high school youth; education malpractice litigation and a general decline in support for public education and esteem for school officials.[1]

The decline in support for public education and regard for school officials has also coincided with a shift of policymaking from almost exclusive control by the education profession to considerable scrutiny by legislatures and school boards. In addition, citizens frustrated with the school establishment as a source for resolving grievances have turned to the courts for relief. As a result, courts have had to deal with such diverse issues as school punishment procedures, desegregation, education malpractice and equalization of school resources. Whereas, desegregation and school finance issues generally have tended to treat information concerning academic performance as peripheral to the issues under litigation, cases involving education standards or education practices, such as Robinson v. Cahill,[2] Larry P. v. Riles,[3]

Peter Doe v. San Francisco,[4] and Donahue v Copaigue,[5] have brought the question of specific educational performance to the fore.

Quality, along with equality, has become the watchword of discussions on education and the concept of minimal standards has gained nationwide acceptance as a program of educational reform.[6] Concern has moved from questions of equity based on inputs to issues of quality based on out-puts. Where "output" is the focus, testing is the issue.

Focus on Testing

The concern about declining educational performance of our nation's school children has been manifest at all levels of government. At the federal level both Congressional and executive activities have focused on the issue. Congressman Quie (R. Minn.) has proposed that federal funds appropriated under Title I of the Elementary and Secondary Education Act (ESEA) be distributed with regard to levels of educational performance,[7] rather than has been true in the past, on the basis of poverty measures. Congressmen Mottl (D. Ohio), Hyde (R. Ill.) and Simon (D. Ill.), convinced that a focus on standards would provide an incentive for improving performance, have introduced a bill that would provide funds for states to prepare and implement minimal competency tests and to support remedial services for students not meeting state standards.[8]

Senator Pell (D. R.I.) focused on educational standards at a recent Human Resources Committee hearing.[9] Admiral Rickover testified at those hearings and provoked a storm of controversy by calling for the development of a national standard.[10] Assistant Secretary for Education, Mary Berry, while echoing Rickover's concern about declining performance, articulated the administrations reluctance to usurp the traditional state role by having the federal government become the arbiter for standard setting.

Secretary of HEW Joseph Califano, Jr. indicated the focus that the department would take in regard to testing and educational performance in an address at the College Examination Board's 1977 meetings.[11] He noted that the "growing concern about educational quality and basic skills has set off an explosion of interest in testing" and indicated that raising educational performance was a top priority of his administration.[12] While Califano clearly was distressed by declining test scores among our nation's young people he was adamantly against Rickover's proposed remedy of involving the federal government in the development of national tests or achievement standards. He gave as his reasons the following:

1. If a test is given largely because someone in Washington seems to think it is a good idea, local commitment may be wanting...

2. There is no single test that is right for every school...

3. There are many unanswered questions about the quality, validity and characteristics of different tests...

> 4. Most importantly, in this country control of curriculum has always rested with states and localities, not with Washington. Any set of test questions that the federal government prescribed should surely be suspect as a first step toward a national curriculum. That would not merely run counter to strongly held views about local control of education; it would stifle local experiments with a variety of approaches to learning.[13]

Califano might also have added a fifth objection: the states, without federal impetus, are presently focusing considerable energy and resources on the testing issue. As the Education Daily observed

> In April 1976, only eight states required minimal competency testing of students. By Nov. 15 [1977] the number had risen to 31, with minimum competency tests mandated by legislation in 11 states and by state board of education regulations in 20.[14]

Table 1 presents a brief description of testing activities at the state level.

General Issues Relating to Testing

As more and more states and local districts focus on testing, there is a danger that the activity of requiring standards will be seen as the solution to the problem of poor educational performance. Test results are merely an indication of educational problems or progress: a "barometer of the system." Changes in performance are dependent on changes in the educational process, not on the imposition of a standard.

TABLE 1

SETTING EDUCATIONAL STANDARDS: STATE ACTIVITIES*

STATE	LEGISLATION			STATE BOARD OF EDUCATION			STATE DEPT. OF EDUCATION			PROVISIONS									
	Proposed	Enacted	Defeated	Study	Action Taken	Action Pending	Study	Action Taken	Action Pending	Proficiency in Basic Skills/ Functional Literacy	Academic Skills	Life Skills	High School Grad Requirement	8th Grade Certif. Requirement	Pupil Eval./ Assessment	Grade Promotion Requirement	Early Out Provision	Accountability	
Alabama			X							X	X		X		X				
								X		X			X						
Alaska								X					X						
Arizona			X														X	X	
								X		X			X	X		X			
Arkansas			X							X			X		X				
California		X								X			X		X				
		X								X		X					X		
			X							X						X			
	X									X					X				

*Prepared by Education Policy Research Institute of the Educational Testing Service with partial support from the Ford Foundation, July 1977

SETTING EDUCATIONAL STANDARDS: STATE ACTIVITIES[a]

STATE	LEGISLATION			STATE BOARD OF EDUCATION			STATE DEPT. OF EDUCATION			PROVISIONS									
	Proposed	Enacted	Defeated	Study	Action Taken	Action Pending	Study	Action Taken	Action Pending	Proficiency in Basic Skills/ Functional Literacy	Academic Skills	Life Skills	High School Grad Requirement	8th Grade Certif. Requirement	Pupil Eval./ Assessment	Grade Promotion Requirement	Early Out Provision	Accountability	
Colorado		X (local-option)													X				
Connecticut		X (not implemented								X			X						
			X							X			X				X		
			X							X							X		
				X													X		
District of Columbia					X											X			
Delaware					X					X		X	X						
Florida		X								X		X	X		X	X	X		
		X															X		

[a]Prepared by Education Policy Research Institute of the Educational Testing Service with partial support from the Ford Foundation, July 1977

SETTING EDUCATIONAL STANDARDS: STATE ACTIVITIES[a]

	LEGISLATION			STATE BOARD OF EDUCATION			STATE DEPT. OF EDUCATION			PROVISIONS										
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Florida (continued)	X (2 pieces)																	X		
			X									X	X			X				
Georgia				X	X			X				X	X							
					X					X					X					
Hawaii		X (to study the issue)											X							
Idaho					X					X			X							
			X							X					X					
Illinois			X (5 pieces)							X		X	X							

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STATE	LEGISLATION			STATE BOARD OF EDUCATION		STATE DEPT. OF EDUCATION		PROVISIONS									
	Proposed	Enacted	Defeated	Study	Action Taken	Study	Action Taken	Proficiency in Basic Skills/ Functional Literacy	Academic Skills	Life Skills	High School Grad Requirement	8th Grade Certif. Requirement	Pupil Eval./ Assessment	Grade Promotion Requirement	Early Out Provision	Accountability	Action Pending
Illinois (continued)		X (placed on the interim study calendar)						X		X	X						
Indiana		X (to conduct study in competency requirements for secondary schools)															
Iowa		X (2 pieces)						X		X	X						
Kansas			X (2 pieces)					X			X						
Kentucky						X		X			X			X			

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SETTING EDUCATIONAL STANDARDS: STATE ACTIVITIES*

STATE	LEGISLATION			STATE BOARD OF EDUCATION			STATE DEPT. OF EDUCATION			PROVISIONS										
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Louisiana		X								X					X			X		
	X									X					X					
				X (on minimal competency testing																
Maine	X									X			X		X					
	X									X			X							
Maryland								X		X					X			X		
							X			X			X							
		X								X					X	X				
			X							X			X							

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SETTING EDUCATIONAL STANDARDS: STATE ACTIVITIES[a]

STATE	LEGISLATION			STATE BOARD OF EDUCATION			STATE DEPT. OF EDUCATION			PROVISIONS									
	Proposed	Enacted	Defeated	Study	Action Taken	Action Pending	Study	Action Taken	Action Pending	Proficiency in Basic Skills/ Functional Literacy	Academic Skills	Life Skills	High School Grad Requirement	8th Grade Certif. Requirement	Pupil Eval./ Assessment	Grade Promotion Requirement	Early Out Provision	Accountability	
Minnesota						X				X					X				
	X (2 pieces)									X		X			X				
		X								(Local objectives, standards, and evaluation)					X				
Mississippi							X			X			X						
			X							X	X				X				
			X										X						
Missouri					X					X					X				
Montana				(No statewide minimal competency activity reported)															

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SETTING EDUCATIONAL STANDARDS: STATE ACTIVITIES*

STATE	LEGISLATION			STATE BOARD OF EDUCATION		STATE DEPT. OF EDUCATION		PROVISIONS									
	Proposed	Enacted	Defeated	Study	Action Taken	Study	Action Taken	Proficiency in Basic Skills/ Functional Literacy	Academic Skills	Life Skills	High School Grad Requirement	8th Grade Certif. Requirement	Pupil Evl./ Assessment	Grade Promotion Requirement	Early Out Provision	Accountability	Action Pending
Nebraska						X		X					X			X	
Nevada						X (on statewide minimal competency requirements)											
		X						X			X		X	X			
		X (2 pieces)						X	X		X						
			X					X						X			
New Hampshire		X (7 pieces — some sent for further House study)									X		X				

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New Hampshire (Con't)								X		X					X			
New Jersey		X								X					X			
New Mexico										X			X		X			
New York					X					X		X	X					
North Carolina	X (2 pieces)									X			X					
	X									X					X			
North Dakota			X							X			X					
			X							X			X					X
Ohio	X									X	X		X			X		
		X								X					X			

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SETTING EDUCATIONAL STANDARDS: STATE ACTIVITIES*

STATE	LEGISLATION			STATE BOARD OF EDUCATION			STATE DEPT. OF EDUCATION			PROVISIONS									
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Oklahoma					X					X		X			X				
Oregon					X					X		X	X						
Pennsylvania			X							X		X			X				
	X									X		X			X				
								X		X					X				
					X					X		X	X		X				
Rhode Island								X		X		X			X				
South Carolina	X									X						X			
South Dakota				(No statewide m			inimal competency			activity reported)									
Tennessee					X					X			X						

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SETTING EDUCATIONAL STANDARDS: STATE ACTIVITIES*

STATE	LEGISLATION			STATE BOARD OF EDUCATION			STATE DEPT. OF EDUCATION			PROVISIONS									
	Proposed	Enacted	Defeated	Study	Action Taken	Action Pending	Study	Action Taken	Action Pending	Proficiency in Basic Skills/ Functional Literacy	Academic Skills	Life Skills	High School Grad Requirement	8th Grade Certif. Requirement	Pupil Eval./ Assessment	Grade Promotion Requirement	Early Out Provision	Accountability	
Texas					X					X			X						
			X							X			X						
Utah					X					X			X						
Vermont					X					X			X		X				
Virginia		X								X			X		X				
Washington		X								(Competencies set by local districts and communities)					X				
		X								X					X				
West Virginia	No statewide minimal competency requirements but state assistance in the identification of "essential competencies"																		
Wisconsin										X			X			X			
Wyoming	No statewide minimal competency activity reported																		

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Since the testing requirement itself is not an instrument of educational reform, the central question is: What must be done by the system to change the testing results?

A second issue, somewhat related to the first, concerns problems that arise from focusing on testing. Testing does not exist outside the social political system in which it occurs. Wherever there is a testing program there is controversy. Why? Testing yields results, and results require explanation. In our system that has meant fixing "blame" more often than constructing remedies. The "blame" has fluctuated over the years among the student, the family, the teacher, the "system", and the environment.

When testing is discussed, in the course of controversy, it is usually discussed in technical terms -- tests are culturally biased, items are irrelevant or invalid, items are not normed properly, the testing environment is inadequate, etc. -- but the underlying issues are political. It is the use of test data that provokes the technical debate.

The technical issues are usually invoked so as to invalidate the results thereby inhibiting use of the test data in the decision making process. The uses of tests are inevitably at the heart of the testing controversy. Concerns ranging from discriminatory labeling and tracking of children to distributing resources and holding teachers accountable have all resulted in elaborate discussions of technical aspects of test construction and validity.[15]

A prime example of the introduction of technical issues into an essentially political debate is the recent efforts at teacher accountability. In the forties and fifties when standardized testing was becoming an integral part of the educational system teachers were enthusiastic about tests. Tests enhanced the professionalism of the educator. They were part of the unique tools of the trade, providing a host of scientific terms -- "stanines, percentiles, grade equivalents" -- that separated the teacher from the laymen. Tests provided the "science" aspect to the "art of teaching."

When the decisions educators made with test data first came under attack, and community groups objected to the cultural bias of the test, the discriminatory labeling and the tracking resulting from test use, teachers defended the integrity of the tests as objective measures that provided information necessary for teachers to make professional informed decisions. However, as the winds of social reform shifted and the uses of tests changed from that of providing information for the teachers' use, to providing information about teachers, organized teacher groups began to echo earlier objections of community groups concerning the bias of testing data.[16]

Recent Efforts At Using Tests to Reform the Educational System

As mentioned earlier, tests have been viewed as a significant tool in the science of education. The science of education notion posits education to be a rational process

where given student "A" one provides education method "B" to achieve goal "C." However critics of this view have argued that the knowledge base as to how children learn and how learning relates to the school system environment is too limited to be relied upon for developing broad educational alternatives.[17] Nonetheless, the use of tests as a means for reform in the movement for teacher accountability and student minimal performance can be viewed as resting on just such a limited assumption and hyperrational model regarding the educational system.[18]

Accountability

Testing in the sixties and early seventies was preoccupied with issues of educational accountability. Between 1965 and 1973 over 40 states had passed legislation relating to statewide assessment of educational progress. These statewide programs were viewed as an important yardstick for evaluating schools and setting policy.[19]

Almost immediately statewide systems encountered difficulty. Michigan was unable to implement its program of using statewide data as a basis for distributing funds.[20] In many instances the reporting of results at the local level was fraught with controversy when inevitable comparisons were made among districts or schools.[21] In addition, teachers were alarmed at the prospect of being evaluated on the basis of the performance of the children they taught, and organized teacher groups took an active role in controlling the use and dissemination of test data.[22]

Some education interest groups, alarmed that testing would lead to further discriminatory labeling of minority group children, actively campaigned against the widespread use of test data, particularly data gathered from norm-referenced standardized tests.[23] (See Chart 1, Appendix A for positions of interest groups regarding testing.)

In a recent study designed in part to determine the policy uses of statewide assessment data it became clear that these statewide programs were not the basis for educational reform originally hoped for, and at best they provided some leverage to state departments in providing a rational basis for curriculum reform.[24]

Minimal Standards

It became obvious to critics of contemporary education that statewide assessment efforts per se were not having noticeable effects on improving educational performance and increasing institutional accountability. The students were still not learning at a level deemed satisfactory to many. As a result accountability efforts shifted from the institution to the student and demands for demonstration of minimal competence began to be the focus of educators and legislators. Between 1973 and the present over 45 states have considered or passed legislation or school board resolutions relating to minimum performance of students.

Currently, the educational standards imposed or contemplated by states include:

1. Minimal competency or proficiency requirements for promotion between grades.

2. Minimal competency or proficiency requirements for high school graduation.

3. Early graduation from high school through competency testing.

Early Exit Exams. Only three states Florida, California and Connecticut have passed legislation regarding early exit exams from high school, and the results of the EPRI survey indicate only moderate interest in other states for such an activity. In California the legislation was introduced by Representative Gregorio as an effort to make schools more responsive to students (the notion being kids would have the option to leave early and schools would loose the state ADA money from those students if they were unable to make schooling attractive and keep them in school). Students who passed the test were not required to attend school and they received a certificate equivalent to a high school diploma. The results of the California experience, with less than 1% of the eligible students taking the exam, have raised questions as to its effectiveness as a lever for change.[25] Florida too has an early exit law. Unlike California, Florida students who pass must leave high school.[26]

The test is based on the General Education Development (GED) examination which is used for adults in determining high school equivalency. Connecticut will also be using the GED.

Promotion Requirements. This appears to be a growing trend and seems to be coupled with or results from setting standards for graduation. Nine states: Arizona, California, Florida, Kentucky, Maryland, Nevada, Ohio, Rhode Island and Wisconsin and the District of Columbia all have enacted legislation or passed school board resolutions relating to standards for grade promotion. In addition Tennessee and Georgia have pilot programs underway to assess the feasibility of such standards. Some states like Florida are setting promotion requirements in the elementary grades while others such as Maryland and Arizona are setting standards for promotion into high school.

High School Graduation Requirements. More than 15 states have enacted legislation or school board resolutions regarding high school graduation. These laws and resolutions are in various stages of implementation. For example, Maine's law calls for a study of the feasibility of a standard while Arizona's law requires as of January 1976 that students demonstrate 9th grade reading proficiency to graduate from high school. Many of the states that are implementing graduation standards will not be withholding diplomas for several years.

The variations in standards that exist among state programs are numerous:

a. Mandatory or optional testing: Some states impose mandatory statewide testing; others allow locally developed "measurement," "verification," or "tests." Florida requires a mandatory statewide functional literacy test with subject area tests to be developed by local districts; Oregon requires that students "demonstrate competency" but does not mandate testing; California mandates that proficiencies be evaluated but allows districts to determine their own method; and Idaho provides a statewide proficiency testing program in which local districts may participate at their option.

b. Certification: A state may award a regular diploma, or a diploma differentiated by a special seal or proficiency endorsement, or provide certificates or competency in addition to a regular diploma. Florida contemplates awarding differentiated diplomas; Oregon awards a certificate of competency in addition to a regular diploma; Idaho will endorse a regular diploma with the state board of education seal for successful test takers of a participating school district; and New York will award a diploma only to successful test takers.

c. Setting standards and performance levels: Variations exist among states on who sets the standards -- state or local district; on how standards were arrived at -- whether through citizen in-put, professional advisory committees, or task forces comprising statewide political and social interest groups; and what constitutes "master" or "satisfactory performance" - 9th grade equivalence, 80% mastery, etc.

d. Opportunities for testing: Some states provide multiple opportunities for being tested at lower grades so that deficiencies can be pin-pointed and remedial or self-help, made available at an early stage. Some states will use grade promotion tests or basic skills assessment in earlier grades as a means for identifying students for remedial instruction, while other states may administer the proficiency exam in the latter phase of senior high schooling -- grades 9-12, or 11 and 12.

e. Skill areas: In addition to basic skills, some states require or permit as local district requirement, proficiency in regular academic subjects and life skills (consumer skills, citizenship skills).

f. Consequences of performance: Some states require remediation be provided to students failing to meet criterion.

Policy Issues Related to Minimal Standards

The questions inherent in the existing standards involve broad legal issues -- such as discriminatory labeling and equal education opportunity -- as well as policy issues of consistency in educational standards, the validity of the skills tested and the performance standards imposed, and the extent of the legal obligation of the state educational system to students.

Policy issues to be considered include:

1. What is the obligation of the state toward students who reach graduation age and cannot pass the tests?

2. What is the relationship between such tests and equal educational opportunity particularly, if such tests are shown to effect adversely a disproportionate number of minority group students?

3. What constitutes a minimum standard of literacy for functioning in the "real world?" Do tests exist that can assess such competency?

4. Is it fair to withhold a diploma in New York City for failure to display 9th grade competency when in another jurisdiction only 8th grade competency is required?

5. If promotion is based on competency what is to be done with below "average" students -- e.g., 15 year olds still unable to pass elementary proficiency exams?

6. What constitutes "mastery" or "satisfactory" performance in "survival skills?" Even if we assume that educators can discern how much mastery is needed to be successful -- survive -- in life, what type of test questions attest to that mastery?

7. Is there a correlation between competency certification and the socio-economic or racial grouping of students who achieve mastery? (In Florida, a 2 - 1 failure rate is predicted for minority students in the state administered basic skills tests which local districts will use as a factor in high school graduation).

8. Where standards, measurement and remedial aid are not uniformly prescribed throughout a state because of state deference to local control, will the differential effect on diverse student groups raise issues about equal educational opportunity?

9. The same question may be raised concerning the effect of the standards on the drop-out rate and on the proportion of students not receiving a diploma. Is the desire for quality education inherent in standard setting accompanied by adequate compensatory programs for the special needs of minorities and other sub-groups?

10. Will minimum standards turn into maximums?

11. Who will bear the burden of remedial education for students not passing these tests? Will the costs be disequalizing to efforts at equalization of state aid?

12. What happens to students who do not succeed in passing the tests?

13. Will competency standards combined with the trend for accountability bring public pressure for educational malpractice legislation? (In Florida, a legislative proposal is pending to dismiss instructional personnel who fail to raise student achievement to the minimum standards)

What are the Implications of Setting Standards For Legislative Activity?

Clearly one must ask what are the legal and educational responsibilities of institutions that impose standards on students. Gaffney and Schember have identified four major legal obligations resulting from the enactment and implementation of promotion and graduation testing requirements.[27]

1. The obligation not be discriminate -- the test must not only meet professional standards regarding reliability and validity of test construction, but must also be shown not to have a disproportionate impact on minority group students.

2. The obligation to assure substantive due process -- the test must be relevant as well as valid. The test must measure what the school has taught.[28]

3. The obligation to provide due process -- students must be given adequate notice of testing requirements,[29] adequate opportunity to take the test and procedural due process to review and if necessary challenge the decisions stemming from the test results.

4. The obligation to provide an education -- the system must teach students, who have the capability, the skills necessary to pass the test. The education must be suited to the students' needs.

The translation of these legal obligations into educational practices will entail the development of an educational accountability system where the test is merely a monitoring device for indicating whether the system is meeting its obligations to students.

Developing such an educational system will require considerable money and oversight on the part of the legislature. It will not be created merely by calling for the imposition of standards.[30] At a minimum an accountable educational system must:

1. Clearly specify what it is that children must learn.

2. Undertake periodic needs assessments to determine how well individual children are doing and how effective the system is in meeting specified goals.

3. Provide additional resources for children who are not achieving specified goals.

4. Assure that the educational progress of children is monitored so that if educational method "A" is not effective, method "B" is provided, and so on.

5. Provide training for teachers to learn new methods for educating children who are not learning under present procedures.

In setting standards the system not only states what children must know, but it also states what it presumes it can teach. Responsibility for teaching rests with the school system; learning rests with the child. When setting educational standards, the system must operate from the assumption that <u>at least</u> 95% of its students can be taught the standards. Standard setting must be seen as a contract between the system and the students.

Any failure rate above 5% can be seen as an indictment of present school practices and an indication that the system needs to provide something else to children. The process not the goals must be changed. Changes in process may mean additional teacher training, smaller classes, different curricula, etc. When upwards to 40% of the children do not pass a minimal standards test,[31] it is a clear indication of the system's failure to teach, rather than proof of children's inability to learn.

A system that sets standards must be a fluid one. It must ultimately be able to demonstrate that every reasonable effort has been made to provide children with the opportunity to learn. Setting standards for children means setting standards for the educational system. The system must be able to demonstrate that it is responsible to and acting upon the information it gathers regarding the educational progress of children.

FOOTNOTES

1. Gallup, G. H. "Ninth Annual Gallup Poll of the Public's Attitudes Toward the Public Schools," Phi Delta Kappan, September 1977, pp. 33-47.

2. Robinson v. Cahill, 62 New Jersey 473 (1973).

3. Larry P. v. Riles, 343 F. Supp. 1306 (N.D. Cal. 1972), affirmed 502 F. 2D 963 (9th Cir., 1974).

4. Peter Doe v. San Francisco Unified School District, Civil No. 36851, (1st District Court of Appeals April 28, 1975).

5. Donahue v. Copaigue Union Free School District CA No. 77-1128 Supreme Court of N.Y. Suffolk County Complaint filed Feb. 1977, complaint dismissed Sept. 1977. For a discussion of issues relating to malpractice see: Baratz, J. and Hartle, T., "Malpractice in Schools," The Progressive, June 1977.

6. Gallup Poll, op. cit.

7. Quie HR 7571, "Elementary and Secondary Amendments Act, 1977", June 2, 1977.

8. Mottl, Hyde, Simon HR 10521, January 24, 1978.

9. Senate Subcommittee on Education, Arts and Humanities of the Committee on Human Resources, Hearings July 14 and 15, 1977.

10. Admiral Rickover's testimony before Senate Subcommittee on Education, Arts and Humanities, July 14, 1977; reprinted in The Principal, December 1977, pp. 48-56.

11. Califano, J., Jr. "Excellence and Equity in the Search for Standards," Speech before the College Entran e Examination Board Annual Meeting, October 1977.

12. Califano has charged NIE to convene a conference addressing the issues of achievement and testing. This conference will be held March 1-3, 1978.

13. "Excellence and Equity", op. cit., p. 15.

14. Education Daily Special Supplement, December 15, 1977. Estimates of the states with minimal competency requirements vary. The discrepancies are due to changes in law and differences in definition (e.g. one study concentrates on states with a statewide standard, whereas another study also includes states where only local activity is apparent). However, there is consensus among the various studies regarding the fact that state and local activity concerning competency testing is increasing.

15. See: Baratz, "The Tyranny of Testing: Who Benefits Who Pays?" Keynote address, NJEA, Atlantic City, N.J., 1976; Baratz, J. "Cultural Bias and the use of tests: a double edged sword," In, Speaking Out: The Use of Tests in the Policy Arena, ETS, New Jersey 1977.

16. See: Skerry, P. "Statewide Assessment and The Policy Process: The New Jersey Experience, Education Policy Research Institute 1976; and Bollenbacher, J. "The Testing Scene: Chaos and Controversy", ETS Invitational Conference, October 1976.

17. See: Callahan, R. E. Education and the Cult of Efficiency, Chicago; U. of Chicago Press, 1962 for a historical description of the rationalization of the education process.

18. Wise, A. "Why Educational Policies Often Fail. The Hyperrationalization Hypothesis," Curriculum Studies, Vol 9, No 1, 1977 pp. 43-57; and Wise, A. "The Hyper-Rationalization of American Education," New York University Education Quarterly, Vol III, Summer 1977, pp. 2-7.

19. Lessinger, L. and Tyler R. (eds.) Accountability In Education, Charles Jones, 1971. Campbell, P. Statewide Assessment Programs, Center for Statewide Assessment, ETS, 1973.

20. House, E., Rivers W. and Stuffelbeam, D. "An Assessment of the Michigan Accountability System," Phi Delta Kappan, June 1974, 55, pp. 663-669.

21. Murphy, J. "The Role of Tests in Policymaking," In, Speaking Out: The Use of Tests in the Policy Arena, ETS, New Jersey, 1977.

22. Chappell v. Commissioner of Education of New Jersey.

23. One of the ironies here is that a by product of the protest against norm referenced standardized tests was the development of crierion reference tests. With the advent of a demand for a minimal performance level some states have begun to set cut-off points on the criterion reference tests. New Jersey is a case in point.

24. Baratz, J. and Thant, S. Test Data and Politics: A Survey of State Test Data Policy Uses, EPRI, Washington, D.C., forthcoming.

25. Polgar, E. The California High School Proficiency Exam, unpublished Master's Thesis, University of California, Berkeley, California, June 1976.

26. Florida CSSB 107 1976, F.S. 76.226.

27. Gaffney, M. and Schember, D. "Promotion and Graduation Testing Requirements and the Legal Obligations of the Education System," In, Baratz, J. and Gaffney, M. "Legal and Educational Issues of Competency Testing for Promotion and Graduation: Can a Policy Capable of Withstanding Judicial Scrutiny Be Devised?" Unpublished proposal submitted to NIE, January 1978.

28. Some tests assess student abilities to fill out tax forms and job applications or to read train and bus schedules. While these abilities might be a by-product of learning activities in schools, in many instances they are not taught as a routine part of the curriculum.

29. Precipitous implementation of competency testing requirements raises significant procedural due process questions. Eleventh grade students who have spent ten years learning how to get by in the system are suddenly encountering a new requirement which, in effect, states that three, four, seven years ago they should have been more diligent in their studies. The impact of competency testing requirements on the first group of students who must meet them may be excessively harsh.

30. As Baratz has pointed out earlier ("The Tyranny of Testing" op. cit.) the mere imposition of a test is likely to lead to one of two events: a. the test is set at a level which will reflect current school problems and failure rates and thereby deprive large portions of minority students diplomas or b. the test will be so easy everyone will pass and no "standard" will be imposed. Both these situations have in fact come to pass. On the one hand, Florida imposed a test standard that resulted in a statewide failure rate of 36% of the eleventh grade students on the math test. Minority students represented a disproportionate number of the students. At present the NAACP is planning to file suit charging that the test is discriminatory. This may give pause to many states that are in preliminary stages of considering or developing standards. On the other hand New York has developed a test that is so simple (one item requires that students be able to read the time from the face of a clock!) that some state board members are refusing to authorize the test. (New York Times, February 13, 1978)

31. The Florida case, cited above, is an example.